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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

KRISCUNAS, LINDA MARY

ART UNIT PAPER NUMBER

3623

DATE MAILED: 08/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/042,899

Applicant(s)

BRITT ET AL.

Examiner

Linda Krisciunas

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-15 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. The following is a Final office action in response to the applicant's amendments filed July 10, 2006. Claims 1-15 are pending.

Response to Amendment

2. The Amendments to claim 1 were fully considered by the Examiner and are addressed in the art rejection below.

Response to Arguments

3. All statements of Official Notice made in the art rejection have been on record since issuance of the Non-Final office action rejection mailed on March 17, 2006, and in the subsequent response filed on July 10, 2006 the Applicant was silent on the matter of Official Notice. Consequently, the statements of Official Notice made in the art rejection have been established as admitted prior art due to Applicant's failure to adequately traverse the Examiner's assertions of Official Notice.

4. The Examiner has fully considered the applicant's arguments, but they are deemed not persuasive.

With respect to the argument that Libman does not teach "selecting a group of users having one or more common attributes", the Examiner asserts that Libman does teach a group of users in column 6, lines 3-14 where the "client information" is defined as information pertaining to a particular client, or to a particular set or group of clients. Therefore the common attributes are used to select a group of users.

With respect to the argument that Libman does not teach “an inquiry generated by a first user”, the Examiner asserts that Libman does teach an inquiry by a user in column 6, lines 27-42 where the “client communication” consists of a solicitation or inquiry sent to a prospective client about services and products the company offers that they are attempting to sell to the client. The title of the Libman invention is irrelevant to the claim. In addition, the applicant’s arguments do not correlate to the claim language which does not indicate receiving a first query from the client.

With respect to the argument that Libman does not teach “transmitting said inquiry to said group of users over said network”, the Examiner again asserts that Libman does teach a group in column 6, lines 3-14 where the “client information” is defined as information pertaining to a particular client, or to a particular set or group of clients. Therefore the common attributes are used to select a group of users. Column 6, lines 27-42 indicate the communication is performed via electronic mail or by paper, which constitutes transmitting.

With respect to the argument that Libman does not teach “forwarding said responses to said first user over said network”, the Examiner asserts that Libman does teach a client response as indicated in Figure 21, item (2575) “Client response to offer”. These responses are sent back to the user of the system that initiated the offer, whereby the initiator would be the first user.

With respect to the argument that Libman does not teach a relative distance of the users from the first user, the Examiner asserts Libman does teach relative distance in column 12, lines 8-26 where geographic information including state, city, county and

zip code are indicated for the client which would inherently provide a relative distance between the first user and client.

With respect to the argument that Libman does not teach a “graphical user interface”, the Examiner asserts that Libman teaches this limitation in column 9, line 2.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Libman (US 6,999,938).

As per claims 1 and 10, Libman teaches identifying a plurality of attributes for each of a plurality of users with data processing devices (column 6, lines 3-14: “client information”); selecting a group of users having one or more common attributes (column 6, lines 15-26: “client record”, the records are contained in a database which contains various fields. These fields would be used to correlate the “client communication” information sent to the client as noted in column 6, lines 27-42.); receiving an inquiry generated by a first user over a network, said inquiry having predetermined responses

associated therewith (The client communication noted in column 6, lines 27-42 constitutes an inquiry as it presents sales information whose purpose is to inquire if there is interest in the products. The responses have a pre-set selection of responses as noted in column 7, lines 56-66 which constitutes predetermined responses.); transmitting said inquiry to said group of users over said network (column 6, lines 27-42: "client communication" where the communication may be sent via electronic-mail or by paper.); receiving responses from one or more users in said group of users (column 8, lines 4-12, where the "reply" is sent in response to the communication generated by the user of the system); and forwarding said responses to said first user over said network (See Figure 21, where the client response is sent back to the processor which originated the offer.). Libman addresses the use of a network in column 8, line 21: "network server" (10). Libman teaches a graphical user interface in column 9, line 2.

As per claims 2 and 12, Libman teaches one of the attributes is a current geographical location of each of said users (column 12, lines 8-26, where geographic information would include location). Libman teaches a graphical user interface in column 9, line 2.

As per claim 3, Libman teaches one of the attributes is a relative distance of each of the users from the first user (column 12, lines 8-26, where demographic data includes the breakdown of customers to geographic regions which would each have a respective distance attribute).

As per claim 4, Libman teaches one of the attributes is an age of each of the users (column 12, lines 8-26: "client's age").

As per claim 5, Libman teaches one of the attributes is an occupation of each of the users (column 12, lines 8-26: "occupation").

As per claim 6, Libman teaches one of the attributes is the sex of each of the users (column 12, lines 8-26, where demographic data would include an indication of male or female).

As per claim 7, Libman teaches one of the attributes is a home address of each of the users (column 13, lines 55-67: "address").

As per claims 8, 9 and 13, Libman teaches one of the attributes is that each user appears in the first user's buddy list or address book (column 6, lines 15-26: "client record", the records are contained in a database which contains various fields, and column 13, lines 55-67: "address" where the database contains the address of the client, where the database of address information constitutes an address book or buddy list.). Libman teaches a graphical user interface in column 9, line 2.

As per claim 11, Libman teaches the user selection region is generated based on one or more user characteristics specified by a first user (The responses have a pre-set selection of responses as noted in column 7, lines 56-66 which constitutes a specified characteristic(s)). Libman teaches a graphical user interface in column 9, line 2.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Libman.

As per claims 14-15, Libman does not explicitly teach the inquiry region and answer region being adjacent. Libman does teach (column 8, lines 59-67, where the display (14) would contain the inquiry and the answer region since one of the means for receiving and replying to the information is via the internet or electronic mail (column 6, line 42). Official notice is taken that it is old and well known that the reply section to an e-mail is adjacent to the inquiry section. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the communication system of Libman with the adjacent feature of the inquiry to reply to provide a more user-friendly and efficient means for communicating that allows the user to see the inquiry while replying.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

10. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linda Krisciunas whose telephone number is 571-272-6931. The examiner can normally be reached on Monday through Friday, 6:30 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LMK

LMK
August 14, 2006

Romain Jeanty
Primary Examiner
Art Unit 3623